



**City of Gem Lake**  
Heritage Hall  
4200 Otter Lake Road | Gem Lake, MN 55110  
651-747-2790/92 | 651-747-2795 (fax)  
E-mail [city@gemlakemn.org](mailto:city@gemlakemn.org)

## Variance Request

The City Council, sitting as the Board of Appeal and Adjustment, may grant Variances from the strict applications of the provisions of the Land Use Ordinance and impose conditions and safeguards in the Variances so granted. These Variances shall be considered in cases whereby reason of narrowness, shallowness, or shape of a lot or whereby reason of exceptional topographic or water conditions or where other extraordinary and exceptional conditions such of such lot exist, the strict application of the terms Zoning Ordinance would result in practical difficulties upon the owner of such lot in complying with the regulations of the zoning district in which said lot is located. "Practical difficulties," as used in connection with the grant of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the Land Use Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include but are not limited to inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The City Council may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties.

### LICENSE APPLICATION CHECKLIST:

- ☐ Application Fee \$500.00 (payable to the City of Gem Lake)
- ☐ Site Plan (with dimensions to scale)
  - ☐ Building Locations (dwelling, garage, accessory building) ☐ Yard (front, side, rear, delineating setbacks)
  - ☐ Site Improvements (fences, walks, lighting, decks, etc.) ☐ Wetlands, lakes, streams, ditches, including 100-year storm elevation
- ☐ Schedule (when does applicant intend to construct)
- ☐ Certificate of Survey, or full legal description
- ☐ Additional information, if required

### Applicant Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Property Information

Property Owner: \_\_\_\_\_

Site Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Description**

Zoning: \_\_\_\_\_

Existing Use of Site: \_\_\_\_\_

Description of Variance being requested: \_\_\_\_\_

<b>Setbacks:</b>	<b><u>Required</u></b>	<b><u>Existing</u></b>	<b><u>Requested</u></b>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (Specify)	_____	_____	_____

**Applicant understands that the Variance Application fee will not be refunded if, after being submitted, the application is denied or the applicant chooses to withdraw.**

**It is the policy of City of Gem Lake that all identifiable costs associated with a Variance Application within the City of Gem Lake shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to the following: Gem Lake planning review costs (reports, meetings, site review); engineering review costs; legal costs (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing); reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance).**

**Prior to the final approval by the City of Gem Lake City Council, all expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.) shall be due upon receipt of a billing from the City of Gem Lake.**

**Data Practices Advisory (Tennessee Warning)**

I understand that some of the information provided on this form will be public data. Public data is available to anyone who makes a request for such information. Under the Minnesota Data Practices Act, your address, email and/or telephone number are private data. You may choose not to provide some or all of this private data, but it may cause your Conditional Use Permit request to be denied. By completing this information, you are consenting to allow the City of Gem Lake staff to share this information in order to administer Gem Lake Ordinances regarding Conditional Use Permitting. Please sign below to affirm that you have read this notice.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Prior to applying for a variance, it is recommended that the applicant contact the City Planner in order to discuss the proposal.

**Review Process**

1. Submit electronically plus 6 hard copies of application and supporting information to the City of Gem Lake. Also submit 6 hard copies of all plans which exceed 11" x 17" in size. Any application must be received four (4) weeks prior to the Planning Commission Meeting at which the applicant would like the Planning Commission to review the proposal (to allow for Public Hearing notice).
2. Planning Commission: 2<sup>nd</sup> Tuesday of the month at 7:00 p.m. at Heritage Hall, 4200 Otter Lake Road. The City Clerk schedules public hearing dates and provides information to the White Bear Press for the time and place of the hearing.

Planning Commission Meeting Date: \_\_\_\_\_

3. City Council: 3<sup>rd</sup> Tuesday of the month at 7:00 p.m. at Heritage Hall, 4200 Otter Lake Road. The City Clerk schedules public hearing dates and provides information to the White Bear Press for the time and place of the hearing.

City Council Meeting Date: \_\_\_\_\_

**Standards**

The City Council will approve a variance only if it satisfies the description on Page one (1), and the following facts are established:

- Without a variance, applicant would be deprived of rights commonly enjoyed by others in the same district
- The special circumstances do not result from actions of the applicant
- Granting the variance will not confer the applicant any special privileges
- Will not increase traffic congestion on public streets
- Will not endanger public safety
- Will not diminish established property value

**Office Use Only**

Date Request Received: \_\_\_\_\_ Date Application Complete: \_\_\_\_\_

Variance Request Paid: \_\_\_\_\_ ☐ Cash ☐ Check

Check No.: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

**Conditions**

Approval based on the following conditions \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Variance Granted: \_\_\_\_\_

Date Variance Denied: \_\_\_\_\_